REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-25 are pending and stand rejected. Claims 9 and 20 are objected to, but would be allowed if rewritten in independent form.

Claims 1, 12 and 23-25 have been amended. No new matter has been added.

Claims 1-25 are rejected under 35 USC 103(a) as being unpatentable over Mankovitz (USP no. 5,949,492) in view of Zuppicich (USP no. 6,698,654) and further in view of Kondou (USP no. 5,799,654). The Office Action states that with regard to claim 1, Mankovitz teaches all the elements claimed except that Mankovitz does not teach an application that is separate from an application of the host device. However, Zuppicich teaches a method of interfacing with a data storage card in which he teaches the removable card running at least one application that is separate from an application of the host device. However, the combination of Mankovitz and Zuppicich still does not teach a communication protocol is downloadable from the removable card to the host. Therefore it would have been obvious to modify Mankovtiz by the teachings of Zuppicich and Kondou.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, applicant has elected to amend the independent claims to more clearly state that the agent program is downloaded from the card to the host computer. No new matter has been added. Support for the amendment may be found in at least independent claim 23.

Mankovitz teaches that the communications protocols used to communicate between the devices is known, and pre-stored, and a mere translation of one protocol to another is performed to enable the devices to communicate. However, Mankovitz fails to disclose that the downloaded agent includes a known protocol that is used to control the communications between the host and the card, as is described in the claims.

Zuppicich disclose a card reader that interfaces between a host application program and a data storage card. The card reader translates high level language commands of the host program to corresponding sequences of low level commands for

reading and writing to the data storage card. Zuppicich discloses that the reader includes a store of protocols for different card applications and selects the appropriate lower level protocol for the identified card application. The reader further translates high level language host application program commands to corresponding commands with the identified lower level protocol. Hence, Zuppicich teaches communications protocols used to communicate between the devices that are known, and pre-stored, in the host, and a performs a translation of one protocol to another. Zupicich, however, fails to disclose that the downloaded agent includes a known protocol that is used to control the communications between the host and the card, as is described in the claims.

Kondou teaches an IC card reader/writer, wherein the reader/writer identifies a protocol type of an inserted IC card based on initial response data sent from the IC card. When the protocol type of the IC card is that same as the host unit then communication is performed directly. When the identified protocol type is different than the host unit then enables data transfer through a protocol conversion. (see Abstract).

Hence, Kondou teaches a system wherein the host unit identifies a protocol type on an inserted IC card and uses the identified protocol type for the determination of the mode of data communication. However, Kondou fails to teach or suggest that an agent is downloaded from the IC card to the host. Rather, Kondou teaches that the host has a specific protocol type and when the IC card has the same type then communication is direct and when the protocol types are not the same a protocol conversion occurs.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

As noted above, Mankovitz, Zuppicich and Kondo teach systems that identify a protocol from a plurality of protocols and translate the identified protocol to another, known, protocol. Neither of the references teach nor suggest a downloaded agent including a known protocol that controls the communication between applications using the protocol, as recited in the claims. Accordingly, the present invention, as recited in

claim 1 for example, is not rendered obvious by the cited references as the cited references fail to disclose or suggest a material element claimed.

Furthermore, even if the references were combined as suggested, the combination would not include all the elements recited in the claims, as amended, as neither reference discloses a downloading a agent including a known protocol. Hence, the combined invention would not render obvious the present invention, as the device resulting from the combination of the references would not include all the elements claimed.

Having shown that the references cited fail to render obvious the invention claimed in claim 1, applicant submits that the rejection of claim 1 has been overcome and can no longer be sustained. Applicant, therefore, respectfully requests that the rejection be withdrawn and the claim allowed.

With regard to independent claims 12 and 23-25, these claims recite subject matter similar to that recited in claim 1 and have been rejected for the same reason cited in rejecting claim 1. Accordingly, for the applicant's remarks made in response to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claims 12 and 23-25, applicant submits that the rejection of these claims has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to claims 2-11 and 13-22, these claims ultimately depend from claims 1 and 12, which have been shown to be allowable over the references cited. Accordingly, claim 2-11 and 13-22 are also allowable by virtue of their dependency upon an allowable base claim.

Applicant thanks the examiner for the indication of allowable subject matter in claims 9 and 20. However, for the amendments made to the claims and for the remarks make herein, applicant believes that all the claims are in an allowable form. Applicant respectfully request that the objection to claims 9 and 20 be withdrawn and the claims allowed.

Although the last Office Action was made final, this amendment should be entered. The independent claims have each been amended to rephrase the downloading of the agent program rather than be downloadable. Since only explanatory functional language have been added, no matter has been added to the claims that would require comparison

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with the prior art or any further review. Accordingly, pursuant to MPEP 714.13,

applicant's amendments should only require a cursory review by the examiner. The

amendment therefore should be entered without requiring a showing under 37 CFR

1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present

claims are patentable in view of the cited references. A Notice of Allowance is

respectfully requested.

Respectfully submitted,

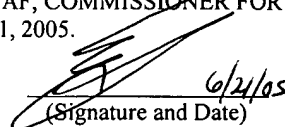Russell Gross
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